

1 SB297
2 135878-2
3 By Senator Waggoner
4 RFD: Governmental Affairs
5 First Read: 14-FEB-12

1 SB297

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4 ENROLLED, An Act,

5 To amend Section 11-41-8 of the Code of Alabama
6 1975, to further provide for the validation of any prior
7 incorporations of municipalities.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Section 11-41-8 of the Code of Alabama
10 1975, is amended to read as follows:

11 "§11-41-8.

12 "(a) In all cases prior to the effective date of the
13 act adding this language, where there has been an attempt to
14 organize the inhabitants of any territory as a municipal
15 corporation under this article, and the judge of probate of
16 the county in which the territory is situated has entered an
17 order that the inhabitants of the territory are incorporated
18 as a town or city, as the case may be, pursuant to Section
19 11-41-4, but the attempted incorporation is invalid because of
20 some irregularity in the procedure followed, the incorporation
21 of that municipality so attempted to be organized and with
22 respect to which the order has been made is validated ab
23 initio in accordance with the description of the territory
24 attempted to be incorporated as the description is contained
25 in the order or, if the description of the territory attempted

1 to be incorporated is not contained in the order in accordance
2 with the description of the territory contained in the
3 petition of the electors filed with the judge of probate,
4 notwithstanding any failure to comply with the requirements
5 respecting the signatures to or contents of the petition for
6 incorporation, any irregularities as to publication or
7 posting, or any other failure to comply with the procedures
8 set forth in that article or otherwise required by law. This
9 section shall not apply to the incorporation of any
10 municipality held to be invalid by a court of competent
11 jurisdiction by judgment entered prior to the effective date
12 of the act adding this language, or in any matter where
13 litigation is pending relating to the incorporation of the
14 municipality.

15 "(b) In addition to the provisions of subsection
16 (a), in all cases in which there has been after the year 1990,
17 an attempt to organize the inhabitants of any territory as a
18 municipal corporation under the laws of this state and the
19 judge of probate of the county in which the territory is
20 situated has entered an order that the inhabitants of the
21 territory are incorporated as a town or city, as the case may
22 be, the incorporation is hereby validated ab initio, and any
23 extensions or other alterations of the corporate limits of the
24 municipality which occurred prior to May 29, 2008, are also
25 validated ab initio and the territory is confirmed as a part

1 of the corporate limits of the municipality, any law to the
2 contrary notwithstanding. Any municipality validated pursuant
3 to this subsection, including any extensions or alterations of
4 the corporate limits, shall be subject to provisions in
5 Sections 11-41-1 and 11-49-80 with regard to assuming
6 responsibility to control, manage, supervise, regulate,
7 repair, maintain, and improve all public streets or parts
8 thereof lying within the incorporated limits. This subsection
9 shall not apply to the incorporation of any municipality held
10 to be invalid in a court of competent jurisdiction by judgment
11 entered prior to May 29, 2008, or in a matter where litigation
12 is pending on May 29, 2008, relating to the incorporation of
13 the municipality, or to any extension or alteration of its
14 corporate limits which occurred prior to May 29, 2008, where
15 litigation is pending on the incorporation prior to May 29,
16 2008."

17 Section 2. This act shall become effective
18 immediately upon its passage and approval by the Governor, or
19 its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB297

Senate 12-APR-12

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris
Secretary

House of Representatives
Passed: 08-MAY-12

By: Senator Waggoner